

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT LEE DEFOY,	}	
	}	
Petitioner,	}	
	}	No. 00-110 Erie
vs.	}	Judge McLaughlin
	}	Magistrate Judge Baxter
JOHN M. MCCULLOUGH, Superintendent;	}	
D. MICHAEL FISHER, Attorney General;	}	
and the PENNSYLVANIA BOARD OF	}	
PROBATION AND PAROLE,	}	
	}	<i>Electronically Filed.</i>
Respondents.	}	

JOINT MOTION FOR EXTENSION OF TIME

AND NOW, comes Petitioner, by his attorney, Thomas W. Patton, Assistant Federal Defender, and the Respondents, by their attorney, Scott A. Bradley, Senior Deputy Attorney General, and respectfully submit the following:

1. On May 2, 2006, this Court entered a Case Management Order (Doc. # 40), stating that discovery in this case will close on September 1, 2006, and setting a deadline of September 22, 2006, for the filing of dispositive motions and October 12, 2006, for the filing of briefs in opposition to dispositive motions.
2. The parties sought and obtained an additional extension of discovery until November 1, 2006, to complete the discovery process in order to schedule the depositions of two Pennsylvania Board of Probation and Parole Board members (Docs. # 43-44). Unfortunately, due to scheduling conflicts, these depositions were not able to be scheduled within the current extension period.
3. The depositions in question have been scheduled for November 9, 2006.

4. Accordingly, the parties respectfully request that the Court extend the time for taking discovery for another 20 days to allow the parties to complete the scheduled depositions of the two Board members and prepare the transcripts of the depositions, and extend the time for filing dispositive motions and responses commensurately.

WHEREFORE, the parties respectfully request an enlargement of time until November 20, 2006, within which to complete discovery and a commensurate extension of time to file their respective dispositive motions and their respective responses in this matter.

Respectfully submitted,

BY: s/ Thomas W. Patton
THOMAS W. PATTON
Assistant Federal Public Defender
PA I.D. No. 88653

s/ Scott A. Bradley
SCOTT A. BRADLEY
Senior Deputy Attorney General
PA I.D. No. 44627

Date: November 1, 2006